

Page 1 of 49. (New) The absorbent garment of claim 1 wherein said absorbent element is
B13 fixedly, detachably connected to said garment side surface of said chassis.

IN THE DRAWINGS:

Various figures have been amended to correct various informalities noted by the Examiner. The changes are noted in red ink on the drawings sheets enclosed herewith.

REMARKS

In an Office Action mailed June 27, 2002, the Examiner made various objections to the specification, including the drawings, and claims. The Examiner also rejected claims 22, 25, 29, 32, 34-38 and 40-42 as being anticipated by or made obvious over U.S. Patent No. 5,527,303 to Milby, alone and in combination with various other references. In addition, the Examiner rejected claims 43, 44 and 46-48 as being anticipated by GB 2,218,322 to Clemson.

Applicants have amended the specification, including the drawings, and various claims as set forth above. None of these amendments added new matter or changes the scope of the claims. A marked-up version of the specification and claims showing the amendments thereto is provided at Appendix A.

After a careful review of the outstanding Office Action and the cited references, Applicants respectfully request reconsideration of the application in view of the amendments and the following remarks.

Remarks About The Restriction Requirement:

Applicants respectfully disagree with the Examiner's characterization of "fixedly connected" in claim 1. As Applicants expressly stated in the specification, the term "fixedly" simply means an "attachment that is not intended to be removed or disengaged during the normal use and operation of the absorbent garment (specification at 14, lines 21-25). Applicants further disclosed that the absorbent element can be "fixedly" connected to the body chassis, but can also be "detachable,"

meaning that it does not detach in response to the applied expansion forces of the absorbent element, but can be removed from the body chassis after use.

Claim 1 merely recites that the absorbent element is “fixedly connected” to the chassis, meaning that it does not become disengaged during normal use as set forth above. Nowhere does claim 1 recite that the absorbent element cannot be removed after such normal use, and the Examiner is reading additional limitations into that claim.¹ Since the phrase “fixedly connected” broadly includes absorbent elements that are also “detachable,” claim 1 is generic with respect to those species. Accordingly, the Examiner’s restriction is improper on the stated ground.

To avoid any confusion, however, Applicants have eliminated the “fixedly” limitation from claim 1. In addition, Applicants have added new claim 49 to further illustrate that claim 1 is not limited to a non-detachable connected absorbent element.

Applicants also respectfully disagree with the Examiner’s statement that the fixed connections of Figures 18 and 19 are not laterally spaced, but rather are only longitudinally spaced. Indeed, Figures 18 and 19 show that the locations 670 are laterally spaced at each end.

Written Statement As To Substance of Interview:

Applicants gratefully acknowledge the Examiner’s courtesy in conducting a telephone interview with the undersigned attorney on April 21, 2003. During the interview, the parties discussed claims 22 and 32 in view of Milby. The Examiner stated that top sheet 24 of Milby could be the body chassis, and that the absorbent element, which includes backsheet 26, was connected to a garment side thereof.

¹ Applicants further note that during the below-referenced interview, the Examiner applied top sheet 24 of U.S. Patent No. 5,527,303 to Milby as the body chassis, and stated that the absorbent element, which includes backsheet 26, was connected thereto. The backsheet 26 of Milby is not “detachably” connected to the top sheet 24, however. Accordingly, the Examiner cannot have it both ways – either the claims require a “detachable” connection or the claims are generic. Applicants submit that the claims are generic.

Remarks About the Drawing, Specification and Claim Objections:

Applicants gratefully acknowledge the Examiner's careful review of various informalities in the specification, including the drawings. Applicants have corrected the various errors as set forth above.

Applicants note that the phrase "at at" (abstract, line 6) is correct, and no term is missing. Applicants further note that the absorbent element 40 in Figure 8 is secured to the garment side surface of the body chassis (see page 14, line 6-7), such that structure denoted by numerals 46, 48, 52, 54, 356, 358, 770 and 790 is not underlying any structure, and is properly designated with solid lead lines (see Office Action at page 4, lines 3-5).

Applicants note that the calculations and figures at page 12, lines 9-12 are correct. In one embodiment, the fold factor is 1.9, while in another embodiment, wherein only a single layer or fold is present, the fold factor is 1.0. Preferably, the fold factor is greater than 1.0.

Applicants submit that the descriptions of FIGS. 1 and 2 at page 5 and page 9, line 1, are commensurate. Figures 1 and 2 show different views of one embodiment of an absorbent garment.

Applicants consistently used the designation of a "bodyside" surface throughout the specification and claims. Applicants can be their own lexicographers. Accordingly, Applicants have not amended that term as requested in claim 43.

Remarks About The Prior Art Rejections:

Claims 22, 32 and 40:

The Examiner has rejected independent claims 22 and 32 as being anticipated by Milby. Because Milby does not disclose or suggest all of the recitations of those claims, inherently or otherwise, the Examiner's rejections should be withdrawn.²

² Applicants submit that claim 1 was improperly restricted out as explained above. Claim 1, as amended, is allowable over Milby for the same reasons as set forth herein.

In particular, claim 22 recites providing an “absorbent element having a first portion detachably connected to at least one of a second portion of said absorbent element and said garment side surface of said chassis at a second location, . . . wherein said first and second portions of said absorbent element are each formed on *an outer surface of said absorbent element*.” Claim 32 recites “bonding a first portion of said absorbent element to at least one of a second portion of said absorbent element and said garment side surface of said chassis with a secondary bond at at least one secondary bond region, wherein said secondary bond is weaker than said primary bond and wherein said first and second portions of said absorbent element are each formed on *an outer surface* of said absorbent element.”

In contrast, Milby discloses bonding an *inner* surface of the backsheet 26 to itself (FIGS. 2 and 3). This is required since the bonds 115 and 120 of Milby are “liquid soluble adhesive,” meaning they must be exposed to liquid *inside* the absorbent element (see e.g., Col. 6, lines 66-67).

Accordingly, Milby fails to disclose all of the recitations of claims 1, 22, 32 and 40, and the claims depending respectively therefrom, and the Examiner’s rejections thereof should be withdrawn.

Claims 43:

Claim 43 recites that a “bodyside surface of said absorbent element is connected to said outer surface of said chassis along a first location *spaced laterally inward from said opposite side edges*.” In contrast, the cover 20 of Clemson is “stitched *along its side edges* to the body 12, and the edges are spaced from the sides of the opening 18 to provide an overlap 22 of the body material along the sides thereof” (Clemson at 3; Figures 1 and 2). Accordingly, Clemson teaches away from securing the cover at a location spaced inwardly from the side edges, since such a connection would be adjacent the sides of the opening 18 and would eliminate the sleeve overlap that retains the absorbent pad (Clemson at 3). Accordingly, Clemson fails to disclose all of the recitations of claim 43, and the claims depending

respectively therefrom, and the Examiner's rejections thereof should be withdrawn

CONCLUSION:

Applicants have cancelled seven claims and added one new claim. Accordingly, no additional claims fees are due. If for any reason this application is not considered to be in condition for allowance and another interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Respectfully Submitted,

Dated: April 21, 2003

By:

A handwritten signature in black ink, appearing to read 'Andrew D. Stover', written over a horizontal line.

Andrew D. Stover

Reg. No. 38,629

Attorney for Applicants

BRINKS HOFER GILSON & LIONE LTD.
Post Office Box 10395
Chicago, Illinois 60610
(312) 321-4200

APPENDIX A

The abstract paragraph beginning at page 32, line 2 has been amended as follows:

An absorbent garment [comprises] includes a chassis and an absorbent element. The absorbent element is fixedly connected to the chassis at a first location and is detachably connected to at least one of the absorbent element and the chassis at a second location. The absorbent element [comprises] includes an absorbent material that expands from at least a first condition to a second condition. The absorbent element detaches from at least one the absorbent element or the chassis at at least a portion of the second location when the absorbent material expands to the second condition. A method for using the absorbent garment also is provided, together with a method for assembling the absorbent garment.

The paragraph beginning at page 5, line 15 has been amended as follows:

FIGURE 1 is a partial plan view of an absorbent element taken from the bodyside thereof.

The paragraph beginning at page 6, line 16 has been amended as follows:

FIGURE 18 is a bodyside plan view of an absorbent garment, with a portion of one body panel being cut away.

The paragraph beginning at page 13, line 21 has been amended as follows:

In yet another alternative embodiment, shown in FIGS. 13, 14, 16, 17, 19 and 20, the absorbent material, or retention portion, comprises a fourth and fifth fold 356,

358 extending laterally outward or outboard from an inner edge 60, 62 of the second and third folds 52, 54 respectively, in an overlying relationship therewith. In this embodiment, a barrier layer, or cover sheet, is interfolded with the absorbent material. In particular, the barrier layer comprises opposite folds 346 extending laterally outward or outboard from an inner edge of the folds 46 respectively, in an overlying relationship therewith so as to form a folding edge or pleat 342. The opposing faces of the folds 346, 46 are [in] preferably in contact as they lie between or are nested in the folds 356, 52 and 358, 54 of the absorbent material. Preferably, an outboard edge 347 of the barrier layer folds 346 extends laterally outboard beyond an outboard edge 357 of the absorbent material on each side of the garment, such that the barrier layer can be attached to one or more of the topsheet or body panels.

The paragraph beginning at page 14, line 6 has been amended as follows:

In each of the embodiments of FIGS. 1-6 and 8, the absorbent element 40 is preferably attached to the outer, garment side surface 12 of the chassis 4, with the upper folds 52, 54 facing the opening 16 formed in the chassis. Preferably, the inboard edges 60, 62 of the folds 52, 54 are spaced apart to provide an opening 64 therebetween so as to allow the liquid to be received by the lower fold 48 and migrate into the areas between the folds. In the embodiments of FIGS. 1-6, each of the peripheral inboard edges 66, 68 of the cover sheet is preferably fixedly attached to the chassis 4 along a longitudinally extending location 70 adjacent an edge of the chassis that forms the opening 16 therein. In the embodiment of FIG. 8, the topsheet 430 is fixedly attached to the body chassis with primary bonds 790 along a location 770, such that the absorbent composite is disposed over the opening 16, and the retention portion is secured to the topsheet with both primary and secondary bonds [90, 88]. It should be understood that the term "location" means any point, line, or region, which region defines an area, or any combination thereof, including a plurality of such points, lines and regions. It should further be understood that the term "fixedly"

means an attachment that is not intended to be removed or disengaged during the normal use and operation of the absorbent garment, and in particular, in response to the expansion of the absorbent element away from the user's body.

The paragraph beginning at page 15, line 13 has been amended as follows:

Further primary bond regions 72, 74 are preferably formed between end portions 76 of the cover sheet 42 and the chassis, on opposite ends of the opening 16 formed by the chassis. The additional primary bond locations 72, 74, which are formed along the end edge and lateral of the edges backsheet respectively, maintain a firm attachment of the absorbent element 40 to the chassis 4 while at the same time allowing a hinging effect during the expansion of the absorbent material, which is explained below. It should be understood that other primary bonds can be applied in a laterally extending direction, or in other various patterns as desired, including for example various curvilinear, checked and/or grid patterns.

The paragraph beginning at page 15, line 13 has been amended as follows:

In the alternative embodiments shown in FIGS. 18-20, the absorbent element, and preferably the topsheet that is incorporated into the absorbent [composite] element, is secured to the outer, garment side surface of the front and back panels 406, 408 with a primary bond 690 at a first location 670. Alternatively, the topsheet can be considered to be part of the body chassis, as it extends between the body panels, with the retention portion and barrier layer both secured to the topsheet with a primary bond at a first location as explained above. As shown in FIG. 19, the absorbent element can include an extensible outer cover 434, which is secured to the barrier layer as described above. Alternatively, as shown in FIG. 20, the outer cover is omitted. Alternatively, an extensible outer cover is preferably continuous and is disposed over the entire garment, wherein it is secured to the front and back panels

and the absorbent element, and preferably the barrier layer thereof. It should be understood that in either of the embodiments of FIGS. 15 or 18, the absorbent element can be fixedly detachably connected to the front and back body panels at the locations 670, such that the absorbent element can be removed and replaced with another element after each use.

The paragraph beginning at page 21, line 23 has been amended as follows:

The cover sheet 42 and/or outer cover 308 also can be made of elastic materials such as Lycra® laminates, wherein the Lycra® strands are laminated between two layers of nonwovens, stretch bonded laminates (SBL's), neck bonded laminates (NBL's) or elastomeric films or nonwovens. In this embodiment, the outer cover extends or stretches outwardly to accommodate the swelling absorbent material. In such an embodiment, the secondary bond regions may be optional, wherein the cover sheet maintains a thin profile when the absorbent material is not exposed to liquid, and wherein the cover sheet extends to accommodate the absorbent material when insulted with liquid.

Claims 1-16 and 18-39, 41, 42, 44 and 45 have been amended as follows:

1. (Amended) An absorbent garment comprising:

a chassis having a body side surface and a garment side surface; and
an absorbent element [fixedly] connected to said garment side surface of said chassis at a first location and having a first portion detachably connected to at least one of a second portion of said absorbent element and said garment side surface of said chassis at a second location, wherein said first and second portions of said absorbent element are each formed on an outer surface of said absorbent element, said absorbent element comprising an absorbent material expandable from at least a first condition to a second condition, wherein said first portion of said absorbent element

detaches from said at least one of said second portion of said absorbent element and said garment side surface of said chassis at at least a portion of said second location when said absorbent material expands to said second condition.

2. (Amended) The [invention] absorbent garment of claim 1 wherein said absorbent element comprises a cover sheet fixedly connected to said garment side surface of said chassis at said first location, wherein said cover sheet comprises said first and second portions of said absorbent element, wherein said first portion of said cover sheet is detachably connected to said at least one of said second portion of said cover sheet and said chassis at said second location, wherein said cover sheet supports said absorbent material.

3. (Amended) The [invention] absorbent garment of claim 1 wherein said absorbent element is fixedly connected to said chassis at said first location with a primary bond, and wherein said first portion of said absorbent element is detachably connected to said at least one of said second portion of said absorbent element and said chassis at said second location with a secondary bond, wherein said secondary bond is weaker than said primary bond.

4. (Amended) The [invention] absorbent garment of claim 1 wherein said absorbent material has a first and second side, and further comprising a topsheet disposed adjacent said first side of said absorbent material.

5. (Amended) The [invention] absorbent garment of claim 1 wherein said second location is positioned laterally outboard from said first location.

6. (Amended) The [invention] absorbent garment of claim 1 wherein said absorbent element has a longitudinal extent and wherein said first location extends longitudinally along at least a portion of said absorbent element.

7. (Amended) The [invention] absorbent garment of claim 6 wherein said second location extends longitudinally along at least a portion of said absorbent element in a parallel relationship with said first location.
8. (Amended) The [invention] absorbent garment of claim 1 wherein said absorbent element has a longitudinal extent, wherein said first location comprises a pair of laterally spaced, parallel and longitudinally extending primary locations, and wherein said second location comprises a pair of laterally spaced secondary locations.
9. (Amended) The [invention] absorbent garment of claim 1 wherein said second location comprises a bonding region defined by a longitudinally extending length and a laterally extending width.
10. (Amended) The [invention] absorbent garment of claim 6 wherein said absorbent element comprises opposite ends, wherein at least one of said ends is fixedly connected to said chassis.
11. (Amended) The [invention] absorbent garment of claim 10 wherein said fixed connection between said at least one of said ends of said absorbent element and said chassis are spaced apart from said longitudinally extending first location.
12. (Amended) The [invention] absorbent garment of claim 1 wherein said absorbent material comprises a first fold having opposite side edges and a second and third fold attached to said opposite side edges of said first fold respectively and extending inwardly in an overlying relationship with said first fold..
13. (Amended) The [invention] absorbent garment of claim 1 wherein said absorbent material comprises a plurality of disconnected layers.

14. (Amended) The [invention] absorbent garment of claim 2 wherein said absorbent material is not attached to said cover sheet.

15. (Amended) The [invention] absorbent garment of claim 1 wherein said chassis comprises a top sheet and an extensible outer cover.

16. (Amended) The [invention] absorbent garment of claim 1 wherein said chassis comprises a front and back panel, and wherein said absorbent element connects said front and back panels.

18. (Amended) The [invention] absorbent garment of claim 4 wherein said topsheet is interfolded with said absorbent material.

19. (Amended) The [invention] absorbent garment of claim 2 wherein said first portion of said cover sheet is detachably connected to said second portion of said cover sheet.

20. (Amended) The [invention] absorbent garment of claim 19 wherein said first and second portions of said cover sheet comprise overlying folds of said cover sheet.

21. (Amended) The [invention] absorbent garment of claim 2 wherein said first portion of said cover sheet is detachably connected to said chassis.

22. (Amended) A method of absorbing exudates excreted from a user with an absorbent garment comprising:

providing a chassis having a body side surface and a garment side surface and an absorbent element connected to said garment side surface of said chassis at a first location, said absorbent element having a first portion detachably connected to at least

one of a second portion of said absorbent element and said garment side surface of said chassis at a second location, wherein said absorbent element comprises an absorbent material and wherein said first and second portions of said absorbent element are each formed on an outer surface of said absorbent element;

securing said chassis to a body of [a] the user;

insulting said absorbent material with said exudates and thereby causing said absorbent material to expand; and

disconnecting said first portion of said absorbent element from said at least one of said second portion of said absorbent element and said garment side surface of said chassis at at least a portion of said second location as said absorbent material expands while maintaining said connection between said absorbent element and said garment side surface of said chassis at said first location.

23. (Amended) The [invention] method of claim 22 wherein said absorbent element comprises a cover sheet fixedly connected to said chassis at said first location and wherein said cover sheet comprises said first and second portions of said absorbent element, wherein said first portion of said cover sheet is detachably connected to at least one of said second portion of said cover sheet and said chassis at said second location, wherein said cover sheet supports said absorbent material.

24. (Amended) The [invention] method of claim 22 wherein said absorbent element is fixedly connected to said chassis at said first location with a primary bond, and wherein said first portion of said absorbent [material] element is detachably connected to at least one of said second portion of said absorbent element and said chassis at said second location with a secondary bond, wherein said secondary bond is weaker than said primary bond.

25. (Amended) The [invention] method of claim 22 wherein said absorbent material has a first and second side, and further comprising a topsheet disposed adjacent said

first side of said absorbent material.

26. (Amended) The [invention] method of claim 22 wherein said absorbent element has a longitudinal extent and wherein said second location is positioned laterally outboard from said first location.

27. (Amended) The [invention] method of claim 26 wherein said first location extends longitudinally along at least a portion of said absorbent element.

28. (Amended) The [invention] method of claim 27 wherein said second location extends longitudinally along at least a portion of said absorbent element in a parallel relationship with said first location.

29. (Amended) The [invention] method of claim 22 wherein said absorbent element has a longitudinal extent, wherein said first location comprises a pair of laterally spaced, parallel and longitudinally extending first locations, and wherein said second location comprises a pair of laterally spaced secondary locations.

30. (Amended) The [invention] method of claim 23 wherein said first portion of said cover sheet is detachably connected to said second portion of said cover sheet.

31. (Amended) The [invention] method of claim 23 wherein said first portion of said cover sheet is detachably connected to said chassis.

32. (Amended) A method of assembling an absorbent garment comprising:
 providing a chassis having a body side surface and a garment side surface;
 providing an absorbent element comprising an absorbent material;
 bonding said absorbent element with a primary bond to said garment side surface of said chassis at at least one primary bond region; and

bonding a first portion of said absorbent element to at least one of a second portion of said absorbent element and said garment side surface of said chassis with a secondary bond at at least one secondary bond region, wherein said secondary bond is weaker than said primary bond and wherein said first and second portions of said absorbent element are each formed on an outer surface of said absorbent element.

33. (Amended) The [invention] method of claim 32 wherein said first and second bond regions are laterally spaced.

34. (Amended) The [invention] method of claim 32 wherein at least one said primary bond region comprises a pair of laterally spaced, parallel and longitudinally extending primary bond regions, and wherein said at least one secondary bond region comprises a pair of laterally spaced secondary bond regions.

35. (Amended) The [invention] method of claim 32 wherein said absorbent material comprises a first fold having opposite side edges and a second and third fold attached to said opposite side edges of said first fold respectively and extending inwardly in an overlying relationship with said first fold.

36. (Amended) The [invention] method of claim 32 further comprising disposing a topsheet adjacent one side of said absorbent element.

37. (Amended) The [invention] method of claim 32 wherein said chassis comprises spaced apart front and back panels, and further comprising bonding said absorbent element to a garment side surface of each of said front and back panels with a said primary bond.

38. (Amended) The [invention] method of claim 32 wherein said absorbent element further comprises a cover sheet, wherein said cover sheet is bonded to said garment

side surface of said chassis with said at least one primary bond at said primary bond region, wherein said cover sheet comprises said first and second portions of said absorbent element, wherein said first portion of said cover sheet is bonded to said second portion of said cover sheet with said secondary bond at said at least one secondary bond region.

39. (Amended) The [invention] method of claim 32 wherein said absorbent element further comprises a cover sheet, wherein said cover sheet is bonded to said chassis with said primary bond at said primary bond region, and wherein said cover sheet comprises said first and second portions of said absorbent element, wherein said first portion of is bonded to said chassis with said secondary bond at said secondary bond region.

44. (Amended) The [invention] absorbent garment of claim 43 wherein said first location comprises a pair of first locations spaced laterally inward from each of said opposite side edges respectively.

45. (Amended) The [invention] absorbent garment of claim 43 wherein a first portion of said bodyside surface of said absorbent element is further connected to at least one of a second portion of said absorbent element and said outer surface of said chassis at a second location positioned between said first location and one of said opposite side edges of said absorbent element, wherein said absorbent element comprises an absorbent material expandable from at least a first condition to a second condition, and wherein said first portion of said absorbent element detaches from said at least one of said second portion and said chassis at at least a portion of said second location when said absorbent material expands to said second condition.